



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/251,125 05/31/94 NILSSEN

B5M1/0921

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BARRINGTON, IL 60010

EXAMINER	
SHINGLETON, M	
ART UNIT	PAPER NUMBER
	5

2502

DATE MAILED: 09/21/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 20 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 1-8 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-8 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Serial Number: 08-251,125

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Art Unit: 2502

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Zansky.

Note Figure 1 of Zansky. Here all elements are clearly set forth. Furthermore note the description bridging columns 3 and 4. The circuits responsible for limiting the RMS voltage when the lamp fails to ignite are clearly set forth here. Also note that unsupported functional language like that of claim 3 has not been given patentable weight.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Art Unit: 2502

Claims 1-8 are rejected under 35 U.S.C. § 103 as being unpatentable over Wallace in view of Pierce.

Wallace discloses all aspects of the claimed invention except for the use of protection means that limits the output magnitude of the inverter's output to a value lower than that if there were no protection means.

Pierce clearly discloses that in a resonant inverter arrangement like that of Wallace the removal of the lamp can cause the transistors of the inverter to destroy themselves. The solution to this problem is to provide a protection circuit connected to the output part and the inverter part of the electronic ballast. See column 4, around line 15.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wallace with a protection circuit connected between the resonant output and the inverter so as to protect the circuit from self-destruction as taught by Pierce.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. § 1.75(d)(1) and M.P.E.P. § 608.01(1). Correction of the following is required: The "first sub-circuit", "second sub-circuit", "third sub-circuit", "fourth sub-circuit", and "auxiliary sub-circuit". The specification does not describe what elements are to be represented by these terms. In other words specifically what elements make up each of these terms?

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Art Unit: 2502

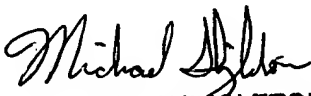
Applicant's arguments filed 6-19-1995 have been fully considered but they are not deemed to be persuasive.

Applicant alleges that the effective date of the presently claimed invention is that of 8-14-1980 since "the claimed invention...has been carried through the intervening applications in a continuous manner". However, the presently claimed invention has not been "carried through in a continuous manner". The presently claimed invention being one that includes subject matter that is not a part of the 06-178,107 application but of later filed applications has the effective date of these latter filed applications. See MPEP 201.11. However, in the case that it is decided that such a claimed invention does indeed have support the above new rejection is also offered to show that the claimed invention is not patentable. While applicant states that claims 1-8 are directed to Figures 2 and 6, the terminology used in these claims do not appear in the specification. Thus, applicant is **required** to correct this matter as indicated above. Failure to do so could result in the next response being non-responsive and continuance to not comply could result in the abandonment of the instant application.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Shingleton whose telephone number is (703) 308-4903.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

Shingleton
September 16, 1995


MICHAEL SHINGLETON
PATENT EXAMINER
GROUP 2500